

Remarks

In this response, the applicant places the claims in condition for allowance by canceling claims 97-104 and amending the remaining claims 105-108 in accordance with instructions from the Office – instructions indicating that the claims would be allowable if so amended.

The applicant cancels claims 97-104 in the interest of capturing the claims that the Office has indicated are allowable. The applicant is not making any admission as to the correctness of the Office's allegation and the applicant reserves the right to prosecute claims 97-104 in a continuation application.

In the applicant's previous response, amendments to claim 105-108 were presented in an effort to capture subject matter that the Office indicated was allowable. However, it appears that the Office has overlooked these amendments or the applicants did not correctly include all of the necessary limitations. In either case, in this response, the applicant presents the claim in accordance with the Office's instructions. To help facilitate the understanding of these amendments, the applicant submits a detailed explanation regarding each of the remaining claims and the history associated with those claims.

In the Official Communication mailed by the Office on October 8, 2002, the Office states in paragraph 9 that claims 17, 28, 60 and 71 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. This statement is somewhat confusing given the fact that the previous response from the applicant mailed on September 3, 2003 had canceled claims 28 and 71. Thus, it is not clearly understood what the Office means by stating that claims 28 and 71 would be allowable. These two claims will be addressed later in this response. As for claims 17 and 60, the applicant is assuming that the Office's statement indicating the allowability of these claims refers to the claims as they were

submitted in the most recent response preceding the October 8, 2002 Official Communication – namely the September 3, 2003 response.

Claim 105 (Claim 90 and 17 combined)

In the previous response faxed to the Office on January 2, 2004 and retransmitted on January 13, 2004, new claim 105 was submitted. This claim is amended in this response. Claim 105, as amended, combines the contents of claim 17 and its intervening claim, claim 90 as presented in the September 3, 2003 response. Thus, in accordance with instructions from the Office, claim 105 is in condition for allowance because it includes claim 17 and the intervening claims.

Claim 107 (Claim 92 and 60 combined)

Claim 107 has been amended in this response. Claim 107 was presented in the previous response as including claim 60 and the intervening claims from which it depends. In actuality, claim 107 included extra language that was not previously presented in claim 60 and its intervening claims from which it depends. As amended, claim 107 now includes claim 60 and claim 92 as they were presented in the September 3, 2003 response to the Office. Thus, in accordance with instructions received in the October 2, 2003 Official Communication, claim 107 is in condition for allowance because it includes claim 60 and its intervening claims.

Claims 28 and 71 were canceled in the September 3, 2003 response, however, the Office indicated in the October 2, 2003 Official Communication that claims 28 and 71 would be allowable if rewritten to incorporate the limitations of the intervening claims from which they depend. The applicant assumes that the Office refers to the previous version of the claims as

presented in the applicant's preliminary amendment mailed on October 15, 2001. In the Office's first response which was mailed on April 3, 2002, in paragraph 8 the Office indicated that claims 17, 28, 60 and 71 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In the applicant's last response faxed on January 2, 2004 and retransmitted on January 13, 2004, the applicants submitted new claims 106 and 108 specifically addressed to this position from the Office.

Claim 106 (Combined claims 28, 27, 26, 25 and 1)

Claim 106 has been amended to include claim 28, and claims 27, 26, 25 and 1 from which claim 28 depends. Thus, claim 106 is in condition for allowance in accordance with instructions from the Office because it includes claim 28 and the base claim and intervening claims.

Claim 108 (Combined claims 71, 70, 69, 68 and 2)

Claim 108 was presented in the applicant's previous response and includes claim 71, and the claims from which it depends, namely claims 70, 69, 68 and 2. Thus, claim 108 is in condition for allowance in accordance with instructions from the Office because it includes claim 71 and the base claim and intervening claims.

Conclusion

The applicant respectfully submits that each and every issue raised by the Office has been addressed and that this case is in condition for allowance. In the interest of gaining allowance,

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the applicant is not specifically addressing the arguments presented by the Office in the Official Communication, however, the applicant is in no way admitting that the Office's position is correct and indeed, the applicant reserves the right to address the Office's position in a continuation application. If the Office has any questions regarding these claims or this response, the Office can call the applicant's attorney, Gregory Smith at (770) 804-9070.

Respectfully submitted,

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